

ENTERED

August 09, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

HERIBERTO EZEQUIEL MARTINEZ-GARZA,	§	
Petitioner,	§	
	§	
V.	§	CIVIL ACTION NO. B-15-212
	§	(CRIMINAL NO. B-14-301-1)
UNITED STATES OF AMERICA	§	
Respondent.	§	

AMENDED ORDER

Pending is the United States Magistrate Judge's May 26, 2016, Report and Recommendation [Doc. No. 5] in the above-referenced cause of action. On July 12, 2016, this Court adopted the Report and Recommendation [Doc. No. 8]. On August 8, 2016, Petitioner's Late Objections to the Report and Recommendation [Doc. No. 12] were filed. While not timely, this Court will allow this out-of-time filing in the interests of justice and consider the objections as if timely filed. Consequently, it withdraws its order of July 12, 2016, and substitutes this order in its place.

Having considered *de novo* the United States Magistrate Judge's Report and Recommendation and the issues raised by Petitioner's objections, the Court hereby adopts United States Magistrate Judge's Report and Recommendation [Doc. No. 5] and Petitioner Heriberto Ezequiel Martinez-Garza's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 [Doc. No. 1] is denied and the issuance of a Certificate of Appealability is denied.

Signed this 9th day of August, 2016.



Andrew S. Hanen
United States District Judge